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09/053,448	04/10/1998	RAOUL MALLART	PHA23383	1361

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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/053,448

Applicant(s)

MALLART ET AL.

Examiner

Ngoc K. Vu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed January 7, 2002 have been fully considered but they are not persuasive.

Regarding claim 1, applicant argued "modifying Walker by enabling switching between the two modes would not have been obvious to one ordinarily skilled in the art". This argument is not persuasive based on the following reasons:

Applicant asserted that the second environment/mode for the delivery of the six virtual worlds over the Internet to the user's PCs as described in Walker. Examiner disagrees. Firstly, Walker discloses "The worlds of The Mirror reflected the themes of the six broadcast TV programs in their overall settings and individual audio-visual elements" (see page 150, second paragraph of section 4 – Content); "The Mirror was an early experiment in Inhabited TV" (see second paragraph of section 1 – Introduction); and "The worlds were linked by an entry portal, which highlighted a 'World of the Week' corresponding with the broadcast TV program" (see page 150, second paragraph of section 4 – Content). Walker also discloses "Inhabited TV is a vision of future television services in which multi-user virtual environments deliver unprecedented levels of audience participation" (see abstract). Secondly, Walker discloses the feature network of the Inhabited TV as "the long-term vision for Inhabited TV extends to high-speed terrestrial and satellite networks linking into set-top boxes or network computers in the home to form a global 'virtual society'" (see section 3 – Technical Background). Thus, the Mirror or Inhabited TV program is one of the future television services providing viewer interaction with the six virtual worlds that reflected the broadcast TV material, and the Mirror was broadcasted to the viewers over the broadcast/television network, while "delivery over the public Internet to a PC was the only practical choice for the network

and client hardware" (see section 3 – Technical Background). The terms "broadcasting mode" and "conferencing mode" as recited in claim 1 read on providing the traditional broadcast TV program and providing "the Mirror or Inhabited TV program" to the viewers over the broadcast/television network, respectively. Walker does not specifically disclose the feature of enabling switching between the broadcasting mode and the conference mode. However, Ely shows a menu including selections for various services such as broadcast TV (602), VOD (604), or videoconferencing (606) on a screen (see FIG. 6, lines 6-13). It would have been obvious to one of ordinary skill in the art to modify Walker by providing a menu including a plurality of services to viewers to allow viewers selecting one of the desired broadband services in the quick and efficient manner. Therefore, independent claim 1 is not patentable over Walker in view of Ely et al, and the dependent claims 2-6 are not patentable over Walker in view of Ely et al. at least based on their dependencies.

Regarding claim 7, applicant argued "Walker discloses six multi-users on-line worlds which reflect the broadcast material. Walker does not disclose multi-user virtual environments via television network". Examiner disagrees. As discussed above, Walker discloses the feature network of the Inhabited TV as "the long-term vision for Inhabited TV extends to high-speed terrestrial and satellite networks linking into set-top boxes or network computers in the home to form a global 'virtual society'" (see section 3 – Technical Background), and "delivery over the public Internet to a PC was the only practical choice for the network and client hardware" (see section 3 – Technical Background). That means the Mirror including six multi-user virtual worlds is broadcasted to the viewers over the television network. The term "on-line" is just the meaning of "social chat and interaction are mixed with professional content and

programming" on television (see abstract). Ely discloses that allowing viewers to select various services provided by broadband network included conventional broadcast TV and videoconferencing (see FIG 2 and 6; col. 7, lines 38-51; col. 10, lines 6-13). Ely does not specifically disclose triggering information of group of end users for conferencing upon an event relating to the broadcast. However, Walker discloses that "The worlds of The Mirror reflected the themes of the six broadcast TV programs in their overall settings and individual audio-visual elements" (see page 150, second paragraph of section 4 – Content), and "The worlds were linked by an entry portal, which highlighted a 'World of the Week' corresponding with the broadcast TV program" (see page 150, second paragraph of section 4 – Content). The feature "Mirror" as referred to the conferencing - the part of the audience interaction and participation, or multi-user virtual environments via television network. It would have been obvious to one of ordinary skill in the art to modify Ely by including the feature of conferencing between the audiences via television network that provides viewers the social chat service to enhance television system. Therefore, independent claim 7 is not patentable over Ely et al. in view of Walker, and dependent claim 8 is not patentable over Ely in view of Walker at least based on its dependency.

As to claim 9, applicant argued "Neither Hare et al. nor Ely et al. discloses receipt of the control signal from the server and the apparatus being operative to selectively control the switching the apparatus in response to receipt of the control signal". Examiner disagrees. It is noted that the feature "receipt of the control signal from the server" reads on TV receiver 4 receiving control inputs from PC (server) for controlling the execution of a particular application as disclosed by Hare (see col. 12, lines 26-32). Hare discloses the computer interface extension system providing over a network the

video conferencing via television receivers (see col. 11, lines 49-54). Hare does not disclose the limitation "the apparatus is operative to selectively control the switching the apparatus between making accessible to user the broadcast or making accessible to the user a real-time communication channel with another client in response to receipt of the control signal". However, Ely discloses a menu for selecting one of the various services, for instance, user can switches services between broadcast TV and videoconferencing (see FIG. 6, lines 6-13). Ely further discloses that session manager responses to user action providing the triggers to services included broadcast TV, VOD and conferencing services (see FIG. 6 and col. 5-6, lines 55-8 and col. 9, lines 10-16). It would have been obvious to one of ordinary skill in the art to modify Hare by providing a menu including a plurality of services to viewers to allow viewers selecting one of the desired broadband services in the quick and efficient manner. Therefore, independent claim 9 is not patentable over Hare in view of Ely et al, and the dependent claim 10 is not patentable over Hare in view of Ely et al. at least based on its dependency.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker in view of Ely et al. (US 5,796,424).

Regarding claim 1, Walker teaches a method of controlling communication to multiple end users at geographically different locations, comprising: in a broadcasting mode includes broadcasting content information for receipt by the end users (providing traditional broadcast TV); in a conferencing mode includes enabling interconnecting at least one subset of the end users through a network (providing inhabited TV "program"); enabling interaction between the end users of the subset via the network (social chat and interaction are mixed with professional content and programming to create online communities) (see page 149, abstract, 2nd paragraph of Shared spaces and Introduction section). Walker does not specifically disclose the limitation of "enabling switching between the broadcasting mode and the conference mode". However, Ely clearly shows in FIG. 6 a menu included selections for various services such as broadcast TV, VOD and videoconferencing, so that users can switch between broadcast TV and videoconferencing services (see FIG. 6, lines 6-13). Therefore, it would have been obvious to one of ordinary skill in the art to modify Walker by displaying a menu included plurality of services, e.g., broadcast TV and videoconferencing to viewers in order to provide viewers the selection of broadband services in a an execution environment quickly and efficiently.

Regarding claim 2, Walker teaches that broadcasting television program with the enduring appeal of audience chat and participation of a group of participants or inhabitants (see page 149, Introduction).

Regarding claim 3, Walker discloses that switching is enabled by a specific event (special events) in the content information broadcasted (see page 149, 2nd paragraph of Shared Spaces).

Regarding claim 4, Walker discloses that the content information comprises video information (TV programs). Walker further discloses the limitations of "creating a graphics" of the video information and providing the graphics representation to the end users in the conference mode. Those are readable on professional content mixes with social conversation in a rich graphical environment (see page 149, 1s' paragraph of Introduction).

Regarding claim 5, Walker teaches the limitation of "one or more specific ones of the end users in the subset is enabled to interactively modify the graphics representation" that reads on people are represented in a 3D environment by characters, and can move around, converse and interact in a common context of information and applications (see page 149, 1s' paragraph of Shared Spaces).

Regarding claim 6, Walker teaches the limitation of "while in the conferencing mode, the interaction is broadcasted to another subset of end users" that reads on broadcasting television program with the enduring appeal of audience chat and participation of a group of participants or inhabitants (see page 149, Introduction); and Walker teaches the limitation of "one or more specific ones of the end users in the subset is enabled to interactively modify the graphics representation" that reads on people are represented in a 3D environment by characters, and can move around, converse and interact in a common context of information and applications (see page 149, 1st paragraph of Shared Spaces).

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ely (US 5,796,424) in view of Walker.

Regarding claim 7, Ely teaches a system for controlling communication between multiple end users at geographically different locations, comprising: a server (see Fig. 2,

104) comprises a transmission unit for broadcasting content information to the users (see Fig. 2); a respective one of multiple clients for a respective one of the end users, the clients being coupled to the server (see col. 7, lines 38-51), and each respective client being enabled to switch between making accessible to the respective end users the broadcasted content information and enabling entering a conference between the end users of the group via the client (selection buttons for various services provided by broadband network include conventional broadcast TV or videoconferencing) (see Fig. 6; and col. 10, lines 6-13). Ely does not specifically disclose triggering formation of group of end users for conferencing upon an event relating to the broadcasting. However, Walker discloses that "The worlds of The Mirror reflected the themes of the six broadcast TV programs in their overall settings and individual audio-visual elements" (see page 150, second paragraph of section 4 – Content), and "The worlds were linked by an entry portal, which highlighted a 'World of the Week' corresponding with the broadcast TV program" (see page 150, second paragraph of section 4 – Content). The feature "Mirror" as referred to the conferencing - the part of the audience interaction and participation, or multi-user virtual environments via television network (see abstract and 1st paragraph of Introduction on page 149). Therefore, it would have been obvious to one of ordinary skill in the art to modify Ely by including conferencing between the audiences via television network in order to provide viewers social chat service to enhance the television system.

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ely et al. (US 5,796,424) in view of Walker and further in view of Van Der Weij et al. (US 5,781,245).

Regarding claim 8, Ely teaches the server comprising input for receiving video data (102) and output the video services or information to a remote user location (see

Fig. 1 B; and col. 5, lines 26-38). Ely fails to teach means for generating a graphics based on the video data. However, Van Der Weij discloses that the video data from server 612 and interactive teletext (TXT) data from generator 614 are supplied to inserter 616 for merging the TXT data and the video data into a TV signal broadcasted by transmitter 618 via network. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ely by merging the teletext data, video data into a TV signal for broadcasting in order to provide viewers the interactive content or interactive program for visual appealing.

6. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (US 6,084,638) in view of Ely et al. (US 5,796,424).

Regarding claim 9, Hare discloses a client apparatus for use with a video server, comprising: a receiver for receiving a TV broadcast (television receiver 4); a coder for coding information received via the Internet from another client (provides video signals generated by the PC from data received over a network, e.g. Internet) (see col. 11, lines 49-59); an input for receipt of a control signal from the server (TV receiver 4 receiving control inputs from PC for controlling the execution of a particular application) (see col. 12, lines 26-32). Hare does not specifically disclose the limitation of "the apparatus is operative to selectively control switching the apparatus between making accessible to user the broadcast or making accessible to the user a real time communication channel with another client in response to receipt a control signal from the server". However, Ely clearly shows in FIG. 6 a menu included selections for various services such as broadcast TV 602, VOD 604, or videoconferencing 606 (see FIG. 6, lines 6-13). Ely further discloses that session manager responses to user action providing the triggers to services included broadcast TV, VOD and conferencing services (see FIG. 6 and col. 5-

6, lines 55-8 and col. 9, lines 10-16). Therefore, It would have been obvious to one of ordinary skill in the art to modify Hare by displaying a menu included plurality of services, e.g., broadcast TV and videoconferencing to viewers in order to provide viewers the selection of broadband services in an execution environment quickly and efficiently.

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hare et al. (US 6,084,638) in view of Ely et al. (US 5,796,424) and further in view of Walker.

Regarding claim 10, Hare and Ely fail to teach limitation of rendering a 3D graphics model and making the rendered model accessible to the user while the user has access to the communication channel. However, Walker discloses that social chat and interaction are mixed with professional content. Furthermore, professional content mixes with social conversation in a 3D graphical environment (see page 149, abstract, 1st paragraph of Introduction and 1st paragraph of Shared Spaces). Therefore, it would have been obvious to one of ordinary skill in the art to modify Rowse by including 3D graphical environment in chat and interaction program in order to present information in a more visually appealing manner.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV
March 16, 2002


ANDREW FAILE
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